

Message

From: Siedschlag, Gregory [Siedschlag.Gregory@epa.gov]
Sent: 10/16/2020 8:45:30 PM
To: Messina, Edward [Messina.Edward@epa.gov]; Koch, Erin [Koch.Erin@epa.gov]; Cole, Joseph E. [cole.josephe@epa.gov]
CC: Goodis, Michael [Goodis.Michael@epa.gov]; Layne, Arnold [Layne.Arnold@epa.gov]; Dinkins, Darlene [Dinkins.Darlene@epa.gov]; Echeverria, Marietta [Echeverria.Marietta@epa.gov]; Aubee, Catherine [Aubee.Catherine@epa.gov]; Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]; Cyran, Carissa [Cyran.Carissa@epa.gov]
Subject: RE: Hardeman - Attorney Client Privilege, Attorney Work Product, FOIA-Exempt Deliberative

+ Carissa. The responses in blue look good to me.

Greg Siedschlag

Chief, Communications Branch
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Phone: (703) 603-9044
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pronouns: he/him/his

From: Messina, Edward <Messina.Edward@epa.gov>
Sent: Friday, October 16, 2020 4:31 PM
To: Koch, Erin <Koch.Erin@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>
Cc: Goodis, Michael <Goodis.Michael@epa.gov>; Layne, Arnold <Layne.Arnold@epa.gov>; Siedschlag, Gregory <Siedschlag.Gregory@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>
Subject: RE: Hardeman - Attorney Client Privilege, Attorney Work Product, FOIA-Exempt Deliberative

Dan would know the answers. Adding our Coms and RD folks to see if we can provide some feedback on this.

Ed

Ed Messina, Esq.
Acting Office Director
Office of Pesticide Programs
Office of Chemical Safety & Pollution Prevention
U.S. Environmental Protection Agency
Washington, D.C.
p: (703) 347-0209

From: Koch, Erin <Koch.Erin@epa.gov>
Sent: Friday, October 16, 2020 4:00 PM
To: Cole, Joseph E. <cole.josephe@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>
Subject: RE: Hardeman - Attorney Client Privilege, Attorney Work Product, FOIA-Exempt Deliberative

And also fyi, Rachel has pointed me to Catherine Aubee, Dan Kenny and Mindy Ondish, but I haven't heard back from them beyond Catherine saying she concurred on the partial answers I provided DOJ, pasted below.

Ex. 5 AC/DP

Ex. 5 AC/DP

From: Cole, Joseph E. <cole.josephe@epa.gov>

Sent: Friday, October 16, 2020 2:27 PM

To: Messina, Edward <Messina.Edward@epa.gov>

Cc: Koch, Erin <Koch.Erin@epa.gov>

Subject: FW: Hardeman - Attorney Client Privilege, Attorney Work Product, FOIA-Exempt Deliberative

Ed,

FYI – I wanted to ensure you saw this from Alex; I assume she sent to you, but not sure. I understand Erin reached out to Rachel Holloman on this earlier, but wanted to loop you in on what DoJ was seeking from the program.

Joe

Joseph E. Cole
Associate General Counsel
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Office of General Counsel
U.S. Environmental Protection Agency
(202) 860-7978

From: Dunn, Alexandra <dunn.alexandra@epa.gov>

Sent: Friday, October 16, 2020 12:59 PM

To: Brightbill, Jonathan (ENRD) <Jonathan.Brightbill@usdoj.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>

Cc: Oakes, Matthew (ENRD) <Matthew.Oakes@usdoj.gov>; Sell, Eric (ENRD) <Eric.Sell@usdoj.gov>

Subject: RE: Hardeman - Attorney Client Privilege, Attorney Work Product, FOIA-Exempt Deliberative

Kamila, I'll get these to the program ASAP.

Alexandra Dapolito Dunn, Esq.
Assistant Administrator
Office of Chemical Safety and Pollution Prevention
US Environmental Protection Agency
Washington, DC

From: Brightbill, Jonathan (ENRD) <Jonathan.Brightbill@usdoj.gov>
Sent: Friday, October 16, 2020 10:40 AM
To: Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>
Cc: Oakes, Matthew (ENRD) <Matthew.Oakes@usdoj.gov>; Sell, Eric (ENRD) <Eric.Sell@usdoj.gov>
Subject: RE: Hardeman - Attorney Client Privilege, Attorney Work Product, FOIA-Exempt Deliberative

Very good. Thank you Kamila and Joe.

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From: Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>
Sent: Friday, October 16, 2020 10:38 AM
To: Brightbill, Jonathan (ENRD) <JBrightbil@ENRD.USDOJ.GOV>; Fotouhi, David <Fotouhi.David@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>
Cc: Oakes, Matthew (ENRD) <MOakes@ENRD.USDOJ.GOV>; Sell, Eric (ENRD) <ESell@ENRD.USDOJ.GOV>
Subject: RE: Hardeman - Attorney Client Privilege, Attorney Work Product, FOIA-Exempt Deliberative

Jon,

Bob Perlis and Mark Dyner are no longer with EPA, but I'm adding Joe Cole for PTSLO. We'll work with OCSPP to set up something to address your questions.

Thanks,
Kamila

From: Brightbill, Jonathan (ENRD) <Jonathan.Brightbill@usdoj.gov>
Sent: Friday, October 16, 2020 10:33 AM
To: Fotouhi, David <Fotouhi.David@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Perlis, Robert <Perlis.Robert@epa.gov>; Dyner, Mark <dyner.mark@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>
Cc: Oakes, Matthew (ENRD) <Matthew.Oakes@usdoj.gov>; Sell, Eric (ENRD) <Eric.Sell@usdoj.gov>
Subject: Hardeman - Attorney Client Privilege, Attorney Work Product, FOIA-Exempt Deliberative

Attorney Client Privilege, Attorney Work Product, FOIA-Exempt Deliberative

Good morning EPA colleagues,

I hope this email finds all of you well. Matt O. may already be coordinating with you, but reminder the I will be arguing on behalf of the U.S. next week in the Hardeman v. Monsanto case in the Ninth Circuit. Recall that the U.S. submitted an

amicus brief in support of Petitioner stating that FIFRA expressly preempts the plaintiff's state law failure to warn claim that Roundup should have borne a cancer warning, contrary to the EPA approved label. A copy of that brief is attached.

Ex. 5 AC/DP

Thank you,
Jon

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